IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 21ST AUGUST 2006 / 30TH SRAVANA 1928

Bail Appl..No. 5105 of 2006

CRIME NO.277/2006 TOWN NORTH POLICE STATION, PALAKKAD

.....

PETITIONER/ACCUSED:

GOPAKUMAR, AGED 26 YEARS,
S/O. KANNAN, KUNNATHVEEDU, KAVILPAD,
PALAKKAD.

BY ADV. SRI.SAJITH KUMAR V.

RESPONDENTS: STATE:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5105/2006

DATED THIS THE 21ST DAY OF AUGUST, 2006

O R D E R

The petitioner is the sixth accused, in crime No. 277/2006 of Town North Police Station, Palakkad. He, along with five other accused, is alleged to have committed the offence punishable under Sections 143, 147, 148, 450 and 307 IPC read with Section 149 IPC. It is, however, submitted that the accused, six in number, had assaulted two persons, who sustained various injuries, including fractures.

2. When the application, under Section 438 Cr.P.C, came up for consideration, the learned counsel submitted that there is no overt act against the petitioner, the sixth accused. However, the learned Public Prosecutor submitted that there are clear materials to show that the petitioner was armed with an iron rod and assaulted the injured persons. The defacto complainant had stated in the F.I statement that he saw the petitioner

driving away the car, in which the accused had escaped, after the assault.

3. Considering the materials on record, I direct the petitioner to surrender before the Investigating Officer on 28.8.2006 at 11.00 a.m. The Investigating Officer shall interrogate the petitioner and thereafter, produce him before the competent Magistrate Court, according to the law.

4. The learned Magistrate shall hear the prosecution as well as the petitioner and pass orders on the application for bail, that may be moved by the petitioner, together with any application, that may be filed for the custodial interrogation of the petitioner, as far as possible on the date of production of the accused, by the Investigating Officer, before that Court.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs